



Electronic Signatures Compliance Guidelines

ELECTRONICALLY TRANSMITTED PRESCRIPTIONS COMPUTER TO COMPUTER – COMPUTER TO FAX

California pharmacies can accept computer to fax prescriptions for controlled substances (except for Schedule II prescriptions) and these electronically transmitted prescriptions are not required to be in the handwriting of the physician. However, these prescriptions must contain an electronic signature of the prescriber.

Pharmacies that accept electronically transmitted prescriptions (computer to fax, or computer to computer) must ensure the authenticity, integrity, non-repudiation and confidentiality of the document. Authentication means ensuring that the prescriber is the person he or she purports to be. Integrity means ensuring that both the document and the signature have not been altered in the course of the transmission. Non-repudiation means ensuring that a party to the transaction cannot later repudiate it. Moreover, under any circumstance (whether it is a paper or data prescription), a pharmacist has an affirmative obligation to verify a prescription when appropriate to do so.

The pharmacy must also ensure that the prescription was electronically transmitted to the pharmacy of the patient's choice. This may be done a number of ways, including, but not limited to, an affirmative statement on the prescription that the prescriber advised the patient of this right.

While pharmacies may under certain circumstances accept computer generated prescriptions for controlled substances (excluding Schedule II) that are electronically transmitted, Health and Safety Code section 11164, subdivision (b)(1), still requires that prescriptions for controlled substances in Schedules III and IV must "be wholly written in ink or indelible pencil in the handwriting of the prescriber" if they are not electronically transmitted to the pharmacy.

COMPUTER GENERATED PRESCRIPTION FOR NON-CONTROLLED SUBSTANCES

California pharmacies can accept computer-generated paper prescriptions for non-controlled substances that contain the electronic signature of the prescriber. These are paper prescriptions that are printed at the prescriber's office and given to the patient.

Pharmacies that accept these paper prescriptions that contain the prescriber's electronic signature must ensure the authenticity, integrity, non-repudiation and confidentiality of the document. Authentication means ensuring that the prescriber is the person he or she purports to be. Integrity means ensuring that both the document and the signature have not been altered. Non-repudiation means ensuring that a party to the transaction cannot later repudiate it. Moreover, under any circumstance, a pharmacist has an affirmative obligation to verify a prescription when appropriate to do so.

The prescriber is also responsible for ensuring the authenticity, integrity, non-repudiation and confidentiality of the printed prescription that contains his or her electronic signature. This includes, but is not limited to, the printing of the prescription document on security paper that voids the prescription document should it be altered or reproduced.

Non-Repudiation

The requirement of non-repudiation is consistent with, and an integral part of, ensuring the security, integrity and confidentiality of a prescription that is transmitted from a computer to a facsimile machine, as well as any of the information contained on that prescription. Moreover, it is consistent with the pharmacist's affirmative obligation to verify a prescription when appropriate to do so, regardless of how the prescription is transmitted.

It is likely that a different method might be needed to ensure the non-repudiation of a prescription transmitted from computer-to-fax than that needed for one transmitted from computer-to-computer. Depending upon the circumstances, such a method might not necessarily require the high-tech approach needed for computer-to-computer transmissions.

The California Board of Pharmacy does not provide specific directions or technological requirements on how to ensure the authenticity, integrity, non-repudiation and confidentiality of prescriptions. It up to the involved parties to meet those requirements in whatever way best suits the circumstances in question.